

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

DAVID MOREIDA,
Plaintiff,

v.

CYNTHIA HEIBEL,
Defendant.

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C.A. NO. C-06-376

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

On May 15, 2007, the United States Magistrate Judge filed her Memorandum and Recommendation. (D.E. 18.) Defendant timely filed objections. (D.E. 19.). Defendant's objections merely repeat her previous argument that her actions were medically acceptable. Defendant's objections do not address the Magistrate Judge's finding that defendant failed to provide a complete copy of plaintiff's medical records. Furthermore, defendant's objections do not address multiple allegations of deliberate indifference made by the plaintiff and supported by medical records provided by the plaintiff.

Having reviewed de novo the Magistrate Judge's Memorandum and Recommendation, the pleadings on file, and defendant's objections, the Court accepts the Magistrate Judge's recommended decision. The Court finds that a genuine question of material fact exists as to defendant's entitlement to qualified immunity.

Accordingly, defendant's Motion for Summary Judgment (D.E. 15) is GRANTED in part and DENIED in part. Plaintiff's claims against defendant in defendant's official capacity are DISMISSED. Plaintiff's claims against defendant in defendant's individual capacity will proceed to trial.

ORDERED this 17 day of Sep, 2007.



HAYDEN HEAD
CHIEF JUDGE